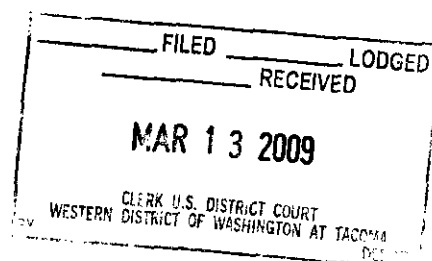




09-CV-05135-CMP



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON, AT TACOMA

Julie Schmidt,
Leon Gerhard,
"Plaintiff's"

CASE NO: **C09 5135 RBL**
COMPLAINTS FOR CIVIL RIGHT' VIOLATION'S
AND DISABILITY AND SLANDER DICRIMINATION

Tacoma Police Department
CLO Don Williams,
CLO Officer Luke,
Children's protective services
Maria Gardener,
TACOMA POWER,
MARTIN LUTHER KING JR CENTER
CODE ENFORCEMENT
TERRANCE GALVAN

"DEFENDANT'S"

COME NOW Plaintiff's, and for their cause of action, allege as follows.

1. Plaintiff's were and still are residents of Pierce Co Washington. And we believe all the mentioned defendants above are residents of Pierce Co and were at that time. We believe that Mr. Galvan didn't want to spend the money to evict us, because he knew that he would have a fight on his hands. We moved back in 4-14-2008, after being informed by him that we could move back. At the time we moved back in we did not know that the Tacoma power had a lien against the utilities for 2,000 some odd dollars from before we lived there in 2007. From which Mr. Galvan owed. But because of being a person of disability, and I had just got hit by a car a few days prior. I sought out help from a man named Bill Blankhead, about resources to help me get the power on.

No issue

2. Out of his own pocket he paid 1121.00 to get the power back on. He agreed to do this because I agreed to help Terry and her family, and a close friend of mine named Demiatre and my cousin named Brent, because of the kids involved. He paid this 4-26-08 so from 4-14-08 till 4-26-08 I was in routine contact with the power company. One of the names I had spoken too was Ms. Gray. Her whole department knew I was in the residence and that I was a person of disability and that I was getting help to pay the bill. Around 5-1-08 I personally paid another 441.00 to the power company to clear his balance, because they had come back out to shut us off and I had no choice but to agree to it. Then we had a temporary person staying there that asked us to help him, he paid 335.00 in a form of a money order for his rent for the month. And then we paid another 600.00 to the landlord for rent, on top of Mr. Blankhead helped us pay 200.00 more dollars because the landlord showed one day told us that he had promised the appliances to a friend of his and that he was taking them. I had an issue with that because I had previously purchased the refrigerator in 2007 when the original one that belonged to the house went out and the landlord refused to replace it. So Mr. Blankhead paid that amount. Then Terry had gotten help from DSHS to get her rent caught up, they issued a 750.00 dollar check to Mr. Galvan, he tried to claim he did not receive it but we found out later that his wife Stefanie { the actual owner of the house} had cashed the check. So that would of left our balance for July 2008 at 568.00 and I am pretty sure my boyfriend and I paid somewhere close to 300.00 to 350.00 for our portion. That would have put what we paid out to 3,782.00 in less than 4 months. But because the Godwin's didn't pay their portion they got served a notice to move out in July around the 18th, 2008. This is around the time that Officer Williams was making weekly trips to ask us when we were moving out because the previous CLO told him we were moving out. I didn't think it was right what they were doing so I put a call into a woman named Emily Padderson at the Seattle landlord tenants union. I gave her the information she said she would look into it, she got back to me to tell me that what the officers were doing was illegal, that only Pierce Co Sherriff's have the jurisdiction to move someone out with an eviction. She told me that she had put a call into a Lt Stringer who told her this, and also that he will reinforce to his officers that is what the law said. Officer Williams knew that the Godwin's were being evicted. But before he came on, when Officer Luke was the CLO, he had came out under a supposed call that there was a concern that I had too much traffic running in and out of my house. I informed him that was in correct. That the woman across the street that I personally knew, she had me watching her kids all the time, and they were always coming to my house, other than that there was hardly anyone ever there. He managed to get her kicked of housing and out of her house of 3 years because of the lie's the neighbor's were claiming against her because she had biracial children. He advised me then to clean up the situation that way he would not have to come back. Now from this time and the date he was transferred. To a different unit or something. Mr. Galvan was routinely leaving handwritten notes, typed three day notices that were hand delivered by him; nothing ever was done legal in court. And he kept going on and on claiming that we were not paying rent. Finally we were able to get him to listen around the end of May early to mid part of June. So he told us now even though previously he had told us all the money we had paid, he was considering it collateral damages because we had left before in 2007, because he wasn't being a truth worthy person and we didn't feel comfortable enough to stay, besides the fact my boyfriend had family

3. Issues he had to deal with back home, where he is from. So like I mentioned above while Officer Luke was still the acting CLO. Between the middle of May till the end of June, we had gotten fed up with the Godwin's causing trouble in the neighborhood, one day they all vanished without paying rent; I wasn't home when they vanished. When I finally did locate them, I told them that if they had the money to go to a motel and not pay rent, then they just needed to stay gone. A few days passed and then I had gotten a call from a woman named Chiqeta from the human rights department here in Pierce Co. she informed me that it was illegal for me to make them leave the way I did, that I would have to evict them. That if I wanted to avoid legal issues she suggested I let them back in. But I had made clear that I would let her, the children and her mother back in, that I did not want all these different men coming in and out, because it didn't look right. She agreed. The following day, the landlord showed with the CLO Luke, they told me that I was in trouble with the prosecutor for wrongfully evicting her and that because Mr. Galvan's wife had cashed the state check, that I better let her back in. But the officer did inform me that he wanted to know the location of Mr. Godwin because he had recently gotten out of prison and he was on probation for being a meth cook. And I looked at the landlord and said this is what I am supposed to let back in the house. The following day, they showed up, did not heed anything I was saying about the men not being there. Then the fights, the yelling, and the slamming doors between Mary and Terri, Terry and Mary, Eric and Terry, and with my health being bad I just couldn't handle it anymore. Then finally in July he served her with a notice to move out, so we decided to have a family barbecue as a way of seeing her off. The noisy neighbors had called CPS and claimed that the baby had been left unattended with a dog that I had just recently got that was in the process of being trained to be a service dog, so I could retire my other one. Then over the weekend officers came out claimed that they had gotten a call that it sounded like a child was being beaten and they needed to check. And the boy had broken his toy and gotten really upset over it and was crying, he had come out and told the police officers himself what happened. They mentioned they were concerned that the baby was playing in the front yard with dog dropping's everywhere, that they needed to report back to CPS, and that they suggested to be cooperative with the social worker.

4. **We are bringing this action to this court, because we believe that we were wrongfully treated when the landlord and the city took actions on this house, claiming the house to be unsafe. The way the officer came out brought up red flag's to us, because of the claim's he was making that he was doing a welfare check on a woman named Terry Godwin and her two children when she was 1, already been served with a notice that was certified by Mr. Galvan himself telling them that they need to move out because of all the concerns with them causing trouble, 2, Ms. Godwin was already at CPS when the officer came out claiming he was doing a welfare check{ please keep in mind this is the same CLO officer that handles the area, which he knew she was being evicted. When he came he never showed any papers never informed me exactly what was going on, other than he was asked to do a welfare check. He came into the house in or around 7-17-2008, claimed that the electrical wiring was unsafe, and that he would be back with the city inspector to help fix the problem for the children's sake. A couple hours went by and**

5. Then he reappeared, again no one showed paperwork to explain to me what was going on. He came in the house, did the same kind of walk through the officer had done, and came back to tell me that the power was going to be shut off until the electrical issues could be fixed. And that I had 5 minutes totaled to call around and see if I could find a place to go. When I was trying to make the call's I personally informed him and the officer I am a person of disability I need accommodations so I can find a place to go, because I have a service dog and everything else. In every other word I was told make the call's, we have to follow the letter of the law to the T. 3 minutes into me calling around they shut the power of on me, and told me we could not be in the house after 7pm because without power the house would be uninhabitable. That night I had gotten permission in writing from Terrance Galvan authorizing us to camp out in the back yard because we didn't want to drag the kids all over the place, until we could find a better situation. Around 9pm we were in the back yard, Terry's father Terri Sir, needed to walk to the store to get some stuff for the barbecue, we were not in the house, but he did walk through the garage so he could grab a jacket for Trevor the 6 year old at the time. And when he got out to the front yard officer Williams was waiting, they came and got me we all walked out to the front he told us that it was illegal to camp in the city limits, he called it urban camping and we were made to leave. The following day Madsen electric came out around 3pm and the landlord informed me for legal reasons make sure that I was there in case of an emergency. And that's what I was doing. They told me that they could fix it; they informed me they had the proper permits and everything was fine. Over that weekend we slept in parks, anywhere we could get to stay where we were all safe. During this time, Ms. Godwin still had her kids. Then they decided to stay in an abandoned house's yard {not in the house}. That way the children would be safe. Someone had called and claimed that someone had broken into that house, the cops came, cps came and that is when she lost her children. That Monday the electric company came back and started working they were almost finished when the officer came back this time with Code enforcement, told them they had to leave because they did not have a permit, told us to get out, didn't give us enough time to grab some baby food, blankets are nothing told us to leave or we were going to jail. And when we asked why, he said that we weren't following the order of not being in the house that previous Thursday night and that's why he came back. And also because he was concerned about the structure of the house being unsafe now, so now this time Code enforcement came in, again not showing papers of what they were there for. Took pictures, of the house and from what I understand and I am still in the process of finding out} pictures of my property. And from what I was told my 4th amendment rights clearly states that I should have been shown some paperwork to clarify what was going on because my boyfriend and I had a legal lease.

Attachment.

We are not bad people we were just trying to help a couple family members, and a few friends of ours. Because we had the room the house is a 4-1/2 bedroom house. Are original intention was to open a transitional house, but I wasn't prepared yet for it. So that is why we let these people stay here with us. But to mainly help out the children. But now I finally got a copy of the complaint I filed against this officer from which I believe he is a rogue officer doesn't know how to treat people respectfully. Especially people of disability. According to this report all parties involved claim that they were never told that I am disabled, or that I did not have a visual disability so that is why they were not willing to accommodate me when they were asked. I feel that all parties involved violated my rights civilly, Constuitonal, slandered my name, claiming that meth tests were being run on my property by the city, because they had knowledge there was drugs going on in my house. But the only time anyone got arrested is when a mentally challenged teen attacked my mentally challenged cousin, and the teen went to jail. My boyfriend and I don't get into trouble with the law, the closest thing he has ever done was gotten a driving ticket. And to have our name, reputation put in jeopardy because the landlord just was too cheap to file a proper eviction. We ask that the court grant us the amount we are asking for. We also ask that the court, grant us complete owner ship of the house, because of the way this whole situation went down. Especially since our property is still inside, and we have went to the city we got in a few times, but because we don't drive we have to take a little bit at a time. And then all the sudden they said we cannot enter anymore. With all my medication, my breathing machine etc in there. They claimed we need the owner's permission because the house was no condemned it was just declared deralicked until the owner fix's it. We got a message to him; he said we would have to take it all out at once, and that he thought we should know that they have been running meth tests on our property without first informing us in writing which again is a violation of our rights. So we urge the court to agree with us, and to please give us what we are asking the house free and clear and if there is any monies owed on it, Mr. Galvan needs to be responsible to pay for it. Along with 700,000 for physical, emotional and mental damages, slander and defamation of character. And we also ask that officer Williams and Luke be suspended without pay until they take the proper class's to learn how to deal with people of physical and or mental disabilities.

Sincerely

Julie Schmidt

Leon Gerhard

Julie Schmidt
Leon Gerhard

253-606-4352
253-314-5142

602-S Wright
St #113
Tacoma WA
98418